

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NEWARK WAREHOUSE URBAN  
RENEWAL, LLC and NEWARK  
WAREHOUSE REDEVELOPMENT  
COMPANY, LLC,

Plaintiffs,

v.

HOLLISTER CONSTRUCTION  
SERVICES, LLC, CHRISTOPHER  
JOHNSON, KIERAN FLANAGAN,  
BRENDAN MURRAY, JOHN DOES 1-  
100, JANE DOES 1-100, AND XYZ  
CORPORATIONS 1-100,

Defendants.

CIVIL ACTION NO. 2:19-cv-18829  
(CCC) (MF)

**ORDER**

**CECCHI, District Judge**

**IT APPEARING THAT:**

1. On September 5, 2019, Newark Warehouse Urban Renewal, LLC and Newark Warehouse Redevelopment Company, LLC commenced a civil action by filing a Complaint in the Superior Court of New Jersey, Law Division, Essex County, captioned *Newark Warehouse Urban Renewal, LLC and Newark Warehouse Redevelopment Company, LLC v. Hollister Construction Services, LLC, Christopher Johnson, Kieran Flanagan, Brendan Murray, John Does 1-100, Jane*

*Does 1-100, and XYZ Corporations 1-100*, Docket No. ESX-L-006514-19 (the “State Court Action”). The Complaint named Hollister Construction Services, LLC (“Hollister”), Christopher Johnson, Kieran Flanagan and Brendan Murray as defendants. Individual defendants Johnson, Flanagan and Murray are members of Hollister.

2. The Complaint includes numerous counts alleging breach of contract, breach of implied covenant of good faith and fair dealing, alter ego, violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-2, and various torts related to a construction project involving the renovation of a former warehouse building located at 110 Edison Place, Newark, New Jersey 07102.

3. On September 11, 2019, Hollister petitioned for bankruptcy relief (hereinafter, the “Bankruptcy Case”) in the United States Bankruptcy Court for the District of New Jersey (hereinafter, the “Bankruptcy Court”). *See In re Hollister Construction Services, LLC*, Case No. 19-27439 (MBK) (Bankr. D.N.J.).

4. On October 9, 2019, Hollister removed the State Court Action to this Court, commencing the instant action (hereinafter, the “District Court Action”). (See ECF No. 1.)

5. A review of the docket of the Bankruptcy Court reveals that the Bankruptcy Case is being actively litigated.

6. In addition, the claims that are asserted against the individual

defendants who are named in the District Court Action may be hopelessly intertwined with the issues that the Bankruptcy Court is addressing as to Hollister.

7. Defendant Hollister, with the consent of the individual defendants, requested that this matter be referred to the United States Bankruptcy Court for the District of New Jersey, where Hollister's bankruptcy case is pending. (ECF Nos. 3 & 4).

8. This Court must refer any cases that arise in or are related to a matter under Title 11 to the Bankruptcy Court. *See* 28 U.S.C. § 157(a); *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, entered on July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.) (providing that any or all proceedings arising under Title 11 or arising in or relating to a case under Title 11 shall be referred to the bankruptcy judges for the district); *S.P. Richards Co. v. Arora*, No. 13-7768 (MLC), 2014 U.S. Dist. LEXIS 173537, at \*2-3 (D.N.J. Dec. 15, 2014) (referring *sua sponte* all pending claims to the bankruptcy court, including the claims that were asserted against a defendant who was not a petitioner in the bankruptcy court); *Ambalo v. 6830 Route 9 Grp., LLC*, No. 12-1173 (PGS), 2013 WL 85149, at \*1-2 (D.N.J. Jan. 7, 2013) (referring *sua sponte* all pending claims to the bankruptcy court, including the claims that were asserted against the defendants who were not petitioners in the bankruptcy court, because an outcome as to those claims could affect the estate being administered).

9. The extent of the jurisdiction of the Bankruptcy Court over the instant claims will depend upon whether those claims concern: (a) a core proceeding; or (b) a non-core proceeding, which is a proceeding that is otherwise related to an ongoing bankruptcy matter. *See* 28 U.S.C. § 157(b)(2)-(4); *see also* 28 U.S.C. § 157(b)(1) (providing that a bankruptcy court may enter an order and a judgment in a core proceeding); 28 U.S.C. § 157(c)(1) (providing that a bankruptcy court may only submit proposed findings of fact and conclusions of law to the district court in a non-core proceeding, and a final order or judgment will then be entered by the district court after considering those findings and conclusions); *see also Mullarkey v. Tamboer (In re Mullarkey)*, 536 F.3d 215, 220-21 (3d Cir. 2008) (discussing the jurisdiction of a bankruptcy court).

9. Upon the referral of the claims in the District Court Action, the Bankruptcy Court itself will determine the extent of that jurisdiction. *See* 28 U.S.C. § 157(b)(3) (providing that a bankruptcy court determines whether a matter is a core proceeding or a related-to proceeding); *Certain Underwriters at Lloyd's of London v. Otlowski*, No. 08-3998 (JLL), 2009 WL 234957, at \*2 (D.N.J. Jan. 29, 2009)(holding that “Section 157(b)(3) calls for the bankruptcy judge to make the initial decision on whether a case is a core proceeding, and its language is not ambiguous”).

**IT IS THEREFORE** on this 24 day of October, 2019, **ORDERED**  
that all of the claims asserted in this action are **REFERRED** to the United States  
Bankruptcy Court for the District of New Jersey; and it is further

**ORDERED** that the Office of the Clerk of the District Court will notify the  
Office of the Clerk of the Bankruptcy Court of this referral, and will separately note  
this on the docket for this action; and it is further

**NOTED** for the benefit of the Office of the Clerk of the Bankruptcy Court  
that the claims asserted in this action are related to *In re Hollister Construction*  
*Services, LLC*, Case No. 19-27439 (MBK) (Bankr. D.N.J.); and it is further

**ORDERED** this action, insofar as it exists in the District Court, is **CLOSED**.



**CLAIRE C. CECCHI**  
Judge, United States District Court